

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

#05A3850

TAHEEN HAYES

PLAINTIFF,

V.

T. DANKIE, et. al

DEFENDANTS

AMENDED

COMPLAINT

UNDER THE CIVIL RIGHTS ACT,

42 U.S.C. § 1983

# 9:16-CV-1368

(TJM/CFH)

Jury TRIAL ☒ yes ☐ no

I. PARTIES IN THIS COMPLAINT:

A. PLAINTIFF: TAHEEN HAYES # 05A3850

CHINON CORRECTIONAL FACILITY

P.O. Box 2000

DANNEMORA, NY 12929

B. DEFENDANTS

NO. 1: T. DANKIE

CORRECTION OFFICER

COXSACKIE C.F.

11260 Route 9w. Box # 200

COXSACKIE, NEW YORK 12051-0200

NO. 2: GASON, A. MEIER

CORRECTION OFFICER

COXSACKIE C.F.

11260 Route 9w. Box # 200

COXSACKIE, NEW YORK 12051-0200

(1)



NO. 3: GREGORY E. LANGTRY  
CORRECTION OFFICER  
COXSACKIE C.F.  
11260 ROUTE 9.W. Box <sup>#</sup> 200  
COXSACKIE, NEW YORK 12051-0200

NO. 4: STEPHEN A. BENCE  
CORRECTION OFFICER  
COXSACKIE C.F.  
11260 ROUTE 9.W. Box <sup>#</sup> 200  
COXSACKIE, NEW YORK 12051-0200

NO. 5: E. COON  
CORRECTION OFFICER  
COXSACKIE C.F.  
11260 ROUTE 9.W. Box <sup>#</sup> 200  
COXSACKIE, NEW YORK 12051-0200

NO. 6: K. HOFFMAN  
CORRECTION OFFICER  
COXSACKIE C.F.  
11260 ROUTE 9.W. Box <sup>#</sup> 200  
COXSACKIE, NEW YORK 12051-0200

NO. 7: RAYMOND SHAWNEJ  
DEPUTY SUPERINTENDANT OF SECURITY  
COXSACKIE C.F.  
11260 ROUTE 9.W. P.O. Box <sup>#</sup> 200  
COXSACKIE, NEW YORK 12051-0200



NO. 8: DANIEL F. MARINSCENLO SR  
SUPERINTENDANT,  
COXSACKIE C.F.  
11260 ROUTE 9.W. P.O. Box # 200  
COXSACKIE, New York 12051-0200

NO. 9: S. IARRUSO  
ACTING INMATE GRIEVANCE SUPERVISOR  
COXSACKIE C.F.  
11260 ROUTE 9.W. P.O. Box # 200  
COXSACKIE NEW YORK 12051-0200

## II. STATEMENT OF CLAIM:

A. IN WHAT INSTITUTION DID THE EVENTS GIVING  
RISE TO YOUR CLAIM(S) OCCUR?  
IN COXSACKIE CORRECTIONAL FACILITY.

B. WHERE IN THE INSTITUTION DID THE EVENTS GIVING  
RISE TO YOUR CLAIM(S) OCCUR?  
SERIAL DIFFERENT HOUSING BLOCKS IN  
COXSACKIE C.F.

C. WHAT DATE AND APPROXIMATE TIME DID THE EVENTS GIVING  
RISE TO YOUR CLAIM(S) OCCUR?  
From Feb. 26, 2016 To July 30, 2016.



## D. FACTS :

- 1) ON OR ABOUT APRIL 15, 2016, DURING THE 7-3 PM SHIFT AT COXSACKIE C.F. WHILE HOUSING ON D-1 GALLERY AT D-1-19 CELL, CORRECTION OFFICER T. DANKIE WAS ACTING UNDER "THE COLOR OF LAW", SUBJECTED ME TO BEING SEXUALLY ABUSED AND RETALIATED ON FROM MY FEB. 2016 GRIEVANCE/COMPLAINT ON THIS OFFICER. (GRIEVANCE # CX-18859-016)
- 2) ON OR AROUND ABOUT 10.30 AM T. DANKIE BANGED ON MY CELL DOOR ORDERING ME TO STEP OUT OF THE CELL, TO SEARCH MY QUARTERS.
- 3) T. DANKIE ORDERED ME TO STEP TOWARD (IN BETWEEN) 18 & 20 CELL WITH MY HANDS ON THE WALL FOR A PAT FRISK.
- 4) T. DANKIE PROCEEDED TO PAT FRISK ME WHEN I NOTICE AS WELL AS FELT T. DANKIE HAD HIS LOWER BODY (GENITALS) PRESSED UP AGAINST MY BUTT EXTREMELY IN TIGHT PROXIMITY. AS HE CONTINUE TO PAT-FRISK ME T. DANKIE HANDS WERE PRESSING TIGHTLY DOWN MY BACK AND INTO THE CRACK OF MY BUTT (INSIDE) ALL THE WAY DOWN AND AROUND MY GROINS.
- 5) WHEN T. DANKIE FELT HE WAS SATISFIED WITH THE SEXUAL ASSAULT, HUMILIATION AND INTIMIDATION HE PROCEEDED TO SEARCH MY CELL.
- 6) WHILE PERFORMING THIS SEARCH, T. DANKIE DELIBERATELY AND MALICIOUSLY THREW MY LEGAL PAPERS, CONTAINERS AND CLOTHES EVERYWHERE, THAT SOME OF THE ITEMS FELL IN THE TOILET. T. DANKIE WAS LITERALLY DESTROYING MY LIVING



QUARTERS, ALL THE WHILE REPEATING HIS SEXUAL ADVANCES AND HARASSMENT, MAKING STATEMENTS AS TO MY GENDER IDENTITY, SUCH AS "DO YOU CONSIDER YOURSELF A MALE OR FEMALE" OR "DO YOU SUCK DICK OR FUCK MEN".

7) ON APRIL 16, 2016, WHILE ATTENDING THE RECREATION PERIOD, IN THE YARD, I GOT ON THE FACILITY PHONE AND REPORTED THE SEXUAL ASSAULT BY T. DANKE TO THE P.R.E.A. HOT-LINE (#77).

8) ON APRIL 17, 2016, ~~REPORTED~~ I MADE CONTACT WITH THE P.R.E.A. HOT-LINE AGAIN AND REPORTED THE SAME INCIDENT.

9) ON APRIL 17, 2016, I FILED A FORMAL COMPLAINT WITH THE COXSACKIE C.F. GRIEVANCE DEPT. FOR THE SEXUAL ASSAULT FROM T. DANKE. (~~COXSACKIE C.F. GRIEVANCE DEPT.~~ (GRIEVANCE'S)  
# CX-18859-016 AND # CX-18908-016)

10) ON THE 18<sup>TH</sup> OF APRIL 2016, I WAS STILL AFRAID FOR MY SAFETY I REPORTED THE SEXUAL ASSAULT TO MR. MARTUSCELLO (SUPERINTENDANT OF COXSACKIE C.F.) WHILE HE WAS CONDUCTING ROUNDS IN THE SOUTHSIDE SECTION OF THE FACILITY CAFETERIA.

11) I EXPLAIN TO MARTUSCELLO WHAT HAPPENED ON THE 15<sup>TH</sup> OF APRIL 2016. ~~AND~~ MARTUSCELLO TOOK MY I.D CARD AND SAID "SOMEONE WILL BE COMING TO SEE YOU SOON"

12) ABOUT 30 MINUTES LATER I WAS INTERVIEWED BY SGT. DAVIS, OFFICE OF MENTAL HEALTH AND COXSACKIE C.F. MEDICAL STAFF, RESPECTIVELY.

13) ON THE 9<sup>TH</sup> OF MAY 2016, I WAS BEING TRANSFERRED FROM F-2 HOUSING UNIT, TO C-1 HOUSING UNIT, WHERE T. DANKE WORKED THAT DAY. UPON ENTERING THE UNIT, I WAS IMMEDIATELY VERBALLY ABUSED, HUMILIATED AND THREATENED BY



T. DANKE. T. DANKE CAME FROM BEHIND THE DESK AND GOT IN MY FACE STATED TO ME "HOW MUCH DICK DID YOU SUCK TO COME BACK OVER HERE" IN A LOW, ANGRY AND INTIMIDATING FASHION AND "DO NOT UN-PACK YOUR SHIT FAGGOT, IF I HAVE TO FUCK YOU UP MYSELF YOU'RE LEAVING THIS BLOCK. THESE STATEMENTS AND INCIDENT WAS WITNESSED AND HEARD BY T. DANKE FELLOW COLLEAGUES WHO WORKED THAT DAY AND THREE INMATES WHO FORTUNATELY THE OFFICE OF SPECIAL INVESTIGATION HAS THEIR NAMES AND IDENTIFICATION NUMBERS ON FILE.

14) ON THE 9<sup>TH</sup> OF MAY 2016 THAT SAME DAY AT AROUND ~~2:00~~ 3:15 P.M., I WAS SUMMONED TO THE CAPTAIN OFFICE TO BE INTERVIEWED BY MARTUSCELLO AND DEPUTY SUPERINTENDANT OF SECURITY MR. RAYMOND SHANLEY FOR A COMPLAINT. LETTER ADDRESSED TO MARTUSCELLO CONCERNING MY SAFETY AT COXSACKIE C.F. WHILE I WAS SPEAKING TO MARTUSCELLO AND SHANLEY I INFORMED THE BOTH OF THEM ABOUT T. DANKE SEXUAL HARASSMENTS AND PHYSICAL THREATS OF BODILY HARM TO ME THAT JUST TOOK PLACE LESS THAN 1 HOUR AGO IN C1-DIVISION.

15) MARTUSCELLO AND SHANLEY BOTH LAUGHED AT THE ME, WITH D.S.S. SHANLEY STATING "WHAT YOU WANT ME TO DO?" "I CAN FIRE HIM FOR THREATENING TO FUCK YOU UP." I CONTINUED TO EXPRESS MY FEAR TO MARTUSCELLO AND SHANLEY ABOUT THE RECENT COMMENTS AND HARASSMENT FROM OTHER COXSACKIE C.F. OFFICERS FOR FILING A SEXUAL COMPLAINT. MARTUSCELLO AND SHANLEY CONTINUED TO LAUGH AT ME WITH MARTUSCELLO STATING "YOU'RE JUST PARANOID!" MARTUSCELLO THEN ORDERED D.S.S. SHANLEY TO PLACE ME



ON INVESTIGATION STATUS PENDING OFFICE OF SPECIAL INVESTIGATION INTERVIEW.

16) ON OR ABOUT MAY, 12, 2016 I WAS SUMMONED TO THE CAPTAIN'S OFFICE TO BE INTERVIEWED BY MS. FACLEAN FROM THE OFFICE OF SPECIAL INVESTIGATION, IN WHICH I REPORTED THE SEXUAL ASSAULT AND THREATS FROM T. DANKE AS WELL AS THE FAILURE TO PROTECT FROM MARTINSCILLO AND SHANLEY.

17) ON OR ABOUT MAY 14, 2016 WHILE HOUSING IN A-3-HOUSING UNIT T. DANKE WORKED 3 TO 7 PM SHIFT ON A-2, WHICH I HAD TO COME IN-DIRECT CONTACT WITH EACH TIME I LEFT MY CELL FOR MESS-HALL TO EAT, RECREATION AND ALL AND ANY CALL-OUTS.

T. DANKE CONTINUED HIS SEXUAL HARASSMENT IN FRONT OF OTHER INMATES AND CORRECTION OFFICER (C.O. W. WALKER) T. DANKE MADE INFLAMMATORY, DEROGATORY AND DEGRADING STATEMENTS ABOUT MY HAIR REFERRING TO MY ~~DEAD~~ DREAD-LOCKS HE CONTINUED TO HAVE A PROBLEM WITH MY CLOTHS AND SEXUAL STATEMENTS LIKE "THERE'S THE HOMO AND SWITCH" REFERRING TO THE SEXUAL COMPLAINT AND SPEAKING TO THE OFFICE OF SPECIAL INVESTIGATOR'S, AND "HOW MUCH MONEY I MADE THIS WEEK"

18) I IMMEDIATELY WROTE AND COMPLAINED TO MARTINSCILLO, SHANLEY, O.M.H. AND PHYLLIS HARRISON-ROSS. M.D, MAKING A C.C. COPY TO ALL (SEE ~~SEE~~ EXHIBIT A)

19) ON THE 15<sup>TH</sup> OF MAY 2016, ~~ON THE 7-3 PM SHIFT AT COXSACKIE~~ C.F. WHILE HOUSING ON A3-GALLERY AT A2-31-CELL, CORRECTION OFFICER K. HOFFMAN WAS ACTING UNDER "THE COLOR OF LAW" FALSIFIED A MISBEHAVIOR REPORT WHICH SUBJECTED ME TO CONFINEMENT FOR RETALIATION (~~SEE EXHIBIT B~~ ATTACHED EXHIBIT B, MISBEHAVIOR REPORT)



20) ON THE 16<sup>TH</sup> OF MAY 2016, I WAS REMOVED FROM GENERAL POPULATION TO F-3-36 CELL KEEP-LOCK WAIT PENDING DISCIPLINARY HEARING FOR THE RETALIATORY MISBEHAVIOR REPORT WRITTEN BY K. HOFFMAN BECAUSE I FILED A SEXUAL ASSAULT COMPLAINT AGAINST T. DAHLKE AND WAS REMOVED BY COXSACKIE CORRECTIONAL OFFICERS TO BE WORKING WITH THE OFFICE OF SPECIAL INVESTIGATION.

21) WHILE ON F-3-36 CELL, ON MAY 16<sup>TH</sup> 2016 AT AROUND 4:30PM CORRECTION OFFICER S. MEIER WAS WORKING THE 3-11PM SHIFT ALONG SIDE C.O. ROWEN. ~~TO~~ MY CELL-DOOR WAS OPENED AND WAS ORDERED TO COME GET MY PROPERTY. MEIER THEN GAVE ME THE SO-CALL ROUTINE SPEECH OF HIS RULES. MEIER ASK ME WHY WAS I KEEP-LOCK, I EXPLAIN THE RETALIATORY MISBEHAVIOR REPORT WRITTEN BY C.O. K. HOFFMAN. MEIER SURPRISE AND SHOCKED ME WHEN HE STATED THAT I WAS A FUCKING LIAR! THAT HE HEARD ME YELLING OUT THE WINDOW TELLING THE KIDS TO CALL THE P.R.E.A. HOT LINE. I RESPONDED THAT MEIER WAS MISTAKING BECAUSE THE INCIDENT NEVER TOOK PLACE AND THAT THIS FAISE INCIDENT WAS CREATED IN A-BLOCK NOT F-BLOCK AS MEIER JUST ASSEERED.

22) MEIER GOT VERY UPSET AND SEEMED IGNORED BY THE FACTS THAT I RECOGNIZES HIS LIES AND POINTED OUT THE CONTRADICTIONS. MEIER THEN TOLD ME GO LOCK THE FUCK IN.

23) LATER THAT DAY AROUND 5:30-PM. - 6:00 PM ON F-3-DIVISION, ONCE AGAIN I WAS LET OUT OF MY CELL AND ORDERED TO COME TO THE FRONT OF THE COMPANY FOR A KEEPLOCK ADMISSION INTERVIEW BY R.N. BTWONG.



WHERE I WAS PUT IN A CAGE.

24) I WAS ASKED ROUTINE QUESTIONS BY R.N. BTWOHY IN THE PRESENCE OF MEIER AND C.O. ROWE. WHEN R.N. BTWOHY ASK ME WAS I EVER SEXUALLY ABUSE WHILE IN COXSACKIE? I RESPONDED "YES" AND MEIER WENT CRAZY! MEIER STARTED YELLING "FAGGOTS LIKE YOU, GET C.O.'S FUCKING FIRED." YOU WANT TO PLAY THESE FUCKING GAMES"? I WAS SCARED, BUT MANAGE TO SAID "I'M TALKING TO THE NURSE, THIS IS A MEDICAL CONFIDENTIALITY ISSUE, WHY ARE YOU LISTENING ANYWAY. MEIER CONTINUE HIS RANT, Cussin and SCREAMING INFRONT OF THE NURSE AND C.O. ROWE.

25) R.N. BTWOHY TRIED TO DEFUSE MEIER ANGER, STATING SHE HAVE TO CALL A SERGEANT AND GO THROUGH ALL THE MEDICAL PROCEDURES AND PROCESS. I TOLD R.N. BTWOHY THAT I WAS SEEN BY MEDICAL ALREADY ON ~~the~~ THE 18<sup>th</sup> OF APRIL 2016, R.N. BTWOHY SAID "OH -THIS DIDN'T HAPPEN WITHIN THE LAST 48 HOURS BEING TRANSFER FROM GENERAL POPULATION TO KEEP-LOCK? I RESPONDED "NO"! R.N. BTWOHY SAID "OKAY" SO I'M FINISH (CLEARED) AND SHE QUICKLY LEFT.

26) AS SOON AS R.N. BTWOHY LEFT, MEIER OPENED THE CAGE AND STORMED IN, JUMPING IN MY FACE WITH HIS HANDS POINTED DIRECTLY IN MY FACE YELLING "YOU WANT TO FUCKING PLAY THESE GAMES? FAGGOTS LIKE YOU GET C.O.'S FIRED SO-ON / SO-ON, MEIER WAS SO OUT OF CONTROL THAT SPIT WAS FLYING ALL OVER MY FACE.

27) MEIER THEN THREATENED ME SAYING "HE SHOULD FUCK ME UP RIGHT NOW", SAY SOMETHING "I (HE) WILL FUCK ME UP RIGHT NOW". SCARE FOR MY LIFE, I REMAINED SILENT.



MEIER THEN YELLED "LOCKED THE FUCK IN."

28) I COMPLIED WITH MEIER ORDER TO LOCK IN. ABOUT 30 MINUTES LATER I WAS THINKING ABOUT WHAT MEIER SAID HE WOULD DO TO ME, THE THREATS OF PHYSICAL HARM AND BEGIN TO FEAR FOR MY SAFETY.

29) I BEGIN TO KICK ON THE CELL DOOR TO GARNER ATTENTION FROM A SUPERIOR OFFICER / SERGEANT ON DUTY. C.O. RONE IMMEDIATELY CAME TO MY CELL AND ASK'S WHAT'S THE PROBLEM? I STATED THAT I WANT TO SEE A SERGEANT, THAT I FEEL THREATENED & FEAR FOR MY LIFE AROUND MEIER. THIS EXCHANGE WENT ON FOR ABOUT 20 MINUTES AND I NEVER SEEN A SERGEANT. MEIER INSTEAD WROTE ME A MISBEHAVIOR REPORT OF FALSIFIED CHARGES.

30) ON MAY 17, 2016 I WAS ESCORTED TO THE SPECIAL HOUSING UNIT ON VIDEO CAMERA, ORDERED BY A LT. BECAUSE I REFUSE TO CLOSE MY FEED-UP MATCH REQUESTING TO GO TO S.H.U. BECAUSE I WAS TIRED OF ALL THE RETALIATION AND DIDN'T FEEL SAFE ON F-3-DIVISION.

31) ON THE 17<sup>TH</sup> OF MAY, 2016 AROUND 10:00 AM WHILE IN S.H.U, I RECEIVED A MISBEHAVIOR REPORT WRITTEN BY MEIER, FABRICATING AND OVER-EXAGGERATING WITH 4 CHARGES.

32) ON OR ABOUT 23<sup>TH</sup> OF MAY, WHILE IN S.H.U, SUPERINTENDANT MARINSCILLO AND D.S.S. SHANHEY MADE ROUNDS IN S.H.U, I STOP THE BOTH OF THEM AND ONCE AGAIN EXPRESS MY SAFETY ~~AND~~ FEAR FOR LIFE. I TOLD & SHOWED SHANHEY THE FALSE MISBEHAVIOR REPORT FROM C.O. HOFFMAN AND EXPLAINED THE INCIDENTS & THREATS FROM C.O. MEIER. MARINSCILLO AND SHANHEY LISTEN TO ME BUT SAID I SHOULD HANDLE  
(101)



MY PROBLEMS AT THE DISCIPLINARY HEARING. BOTH CONTINUE TO HARBOR AND SOKE AS IF MY LIFE AND WHAT IS OCCURRING IN COXSACKIE WAS A GAME, I ASK TO BE MOVED OUT OF THE FACILITY AND MARINSCILLO STATED "PRISON IS PRISON" WHAT YOU DON'T LIKE MY PRISON. ALL OF THIS WAS CAPTURED ON VIDEO TAPE IN FRONT OF 4 CELL IN S.H.W.

33) ON THE 24<sup>TH</sup> OF MAY 2016 I WAS CALLED FOR MY TIER III SUPERINTENDANT HEARING WHICH WAS CONDUCTED BY COMMISSIONER HEARING OFFICER, MR. BRACCINNI. I PLEADED NOT GUILTY TO ALL CHARGES, HOWEVER ADMITTED TO KICKING ON THE CELL DOOR TO GARNER ATTENTION FROM SUPERIOR OFFICER TO REPORT THE TREATS AND RETALIATION FROM MEIER.

34) I REPORTED AND RECITED MY ENCOUNTER WITH MEIER TO MR. BRACCINNI AS WELL AS REQUESTED SEVERAL INMATE ~~WITNESSES~~ WITNESSES INCLUDING C.O. ROWE AND R.N. BTWOLY. DUE TO THE TESTIMONY OF ONE INMATE WITNESS AND R.N. BTWOLY CONFIRMING MY VERSION OF WHAT HAPPENED, I WAS FOUND NOT GUILTY OF THREATS AND VIOLENT CONDUCT, HOWEVER GUILTY OF DIRECT ORDER / CREATING A DISTURBANCE FOR KICKING ON THE GATE TRYING TO SEEK HELP TO GET AWAY FROM C.O. MEIER.

35) ON OR AROUND MAY 24, I RECEIVED LEGAL MAIL FROM COMMISSION OF CORRECTIONS, MRS. THYLIES HARRISON-ROSS M.D., IN RESPONSE TO MY COMPLAINTS OF THE CONSTANT RETALIATION IN COXSACKIE C.F. AND FOR THE FAILURE TO PROTECT BY SUPERINTENDANT MARINSCILLO AND D.S.S. SHANLEY. THESE COMPLAINTS WAS ALSO FORWARDED TO MARINSCILLO AND SHANLEY AND  
(~~RECEIVED BY~~)



NEITHER OF THEM REPLY, ONLY COMMISSION OF CORRECTION  
(SEE ATTACHED EXHIBIT C)

36) ON THE 26<sup>TH</sup> OF MAY 2016 I FILED A FORMAL COMPLAINT WITH THE COXSACKIE GRIEVANCE DEPT, AND SENT A COPY TO SUPERINTENDENT MARINSCILLO FOR THE CONSTANT RETALIATORY PRACTICES BY WAY OF DISCIPLINARY ACTION ~~AND~~ AND HARASSMENT FROM C.O. HOFFMAN, THREATS FROM C.O. MEIER FOR FILING GRIEVANCES AND A SEXUAL COMPLAINT ON DAHLKE. I ALSO RAISE THE ISSUE OF THE FAILURE TO PROTECT AND HOW I'M SCARE FOR MY LIFE (GRIEVANCE # CX 18993-016) (AND SEE ATTACHED EXHIBITS D )

37) ON JUNE 10, 2016 I WAS RELEASE FROM S.H.W AND STILL HAVING BEEN SENT TO A DISCIPLINARY HEARING FOR THE RETALIATION MISBEHAVIOR REPORT FROM C.O. K. HOFFMAN, MY O.Z.C (COUNSELOR) WROTE ME IN STATED IT NO LONGER EXIST AND THAT SHE WAS IN CONTACT WITH SUPERINTENDANT MARINSCILLO ABOUT MY SITUATION, TO REMAIN CALM EVERYTHING WILL BE OKAY (SEE ATTACHED EXHIBIT E )

38) ON THE 10<sup>TH</sup> OF 2016 WHILE WORKING ON C2-DIVISION AN UNKNOWN CORRECTION OFFICER TOLD ME I'M NO LONGER A MESSHALL WORKER (MY JOB (PROGRAM) PER' D-SS SHANLEY. I IMMEDIATELY FILED A FORMAL COMPLAINT WITH COXSACKIE GRIEVANCE DEPT. FOR MY MESS-HALL PROGRAM BEING REVOKED WITHOUT AND MISBEHAVIOR REPORT, COUNSEL REPRIMAND FROM PROGRAM NOR ANY PROBLEMS WITH PROGRAM STAFF, (GRIEVANCE # CX 19054-016) AND SENT ONE COPY TO MARINSCILLO. (GRIEVANCE # CX-19054-016)



39) ON JUNE 11, 2016 WHILE ATTENDING RECREATION, I WAS SUMMONED TO THE CAPTAIN OFFICE TO BE INTERVIEWED BY MARINSCILLO AND D.S.S. SHANLEY. WHEN I ARRIVED IN THE OFFICE, MARINSCILLO STARTED YELLING AT ME ABOUT ALL MY COMPLAINTS TO OUTSIDE AGENCIES COMPLAINING ABOUT THE SEXUAL ABUSE FROM C.O. T. DANKIE AND RETALIATION FROM CORRECTIONAL STAFF. MARINSCILLO TOLD ME THAT "HE WAS THE BIG SHOT AROUND HERE AND WHAT HE SAID GO'S", THAT THE BUCK STOPS WITH HIM. D.S.S. HEARING ALL THIS ADDED HIS INPUT BY LETTING ME KNOW THAT HE WAS THE DEPUTY SUPERINTENDANT OF SECURITY AND IF I CONTINUE TO COMPLAIN, ANYTHING CAN HAPPEN TO ME ONCE HE USE SECURITY REASONS" THAT WAS AS GOOD AS LAW!

40) I REMINDED MARINSCILLO AND SHANLEY THAT I AM ONLY COMPLAINING BECAUSE OF ALL THE RETALIATION AND THREATS ALONG SIDE OF FALSE MISBEHAVIOR REPORTS I HAVE BEEN RECEIVING.

41) MARINSCILLO CONTINUED HIS BULLYING BY REMINDING ME OF THE DEFERRED S.H.W TIME OVER MY HEAD FROM THE DISCIPLINARY SANCTIONS IMPOSED ON ME, IMPLYING THAT IF I CONTINUE TO MAKE A ISSUE, HE WILL SET ME UP AND PUT ME BACK IN SPECIAL HOUSING UNIT.

42) ON THE 15<sup>TH</sup> OF JUNE 2016, I FILED ANOTHER FORMAL COMPLAINT ABOUT THAT MEETING WITH SUPERINTENDANT AND D.S.S AS WELL AS A COMPLAINT WITH THE ACTING COMMISSIONER OF D.O.C.C.S MR. ANTHONY S. ANNUNCI FOR SEXUAL ABUSE, THREATS, HARRASMENT AND RETALIATORY PRACTICES BY WAY OF



DISCIPLINARY ACTIONS AND PROGRAM CHANGES FROM C.O.'s, MARTINSCILLO, AND SHANLEY. I ASK THAT THE COMPLAINT BE INVESTIGATED BY ALBANY OFFICIALS, BECAUSE I REPEATEDLY TRIED TO REASON WITH MARTINSCILLO AND SHANLEY BUT THEY REFUSE TO HELP ME (SEE ATTACHED EXHIBIT F)

43) ON JUNE, 20, 2016 I WAS MOVED TO B-2 DIVISION 6 CELL, C.O. HOFFMAN WHO WROTE THE FALSE MISBEHAVIOR REPORT ON MAY 15, 2016 WAS WAITING FOR ME ON THE GALLERY. WHEN I APPROACH MY CELL, HOFFMAN STATED "DON. GET COMFORTABLE HAYES, YOU'LL BE OUT OF HERE SOON. I ASK HOFFMAN WHAT DID I EVER DO TO YOU AND HOFFMAN RESPONDED "YOU MESS WITH ONE OF US (C.O.'s) YOU GOT TO DEAL WITH ALL OF US.

44) ON THE 24<sup>TH</sup> OF JUNE 2016, I FILED A NEW YORK CIVIL SERVICE LAW, SECTION 75. I SERVED A COPY TO D.O.C.'s ACTING COMMISSIONER, THE OFFICE OF SPECIAL INVESTIGATION, ~~AND~~ SUPERINTENDANT MARTINSCILLO AND MANY OTHER NEW YORK STATE AND CITY OFFICIALS (SEE ATTACHED EXHIBIT G)

45) ON THE 7<sup>TH</sup> OF JULY, 2016 I WAS PLACED ON A CALL-OFF TO INMATE GRIEVANCE OFFICE, AND WAS GREETED BY TARRUSO WHO WAS ACTING AS INMATE GRIEVANCE PROGRAM SUPERVISOR. TARRUSO TOLD ME THAT HE PLACED ME ON THE CALL-OFF BECAUSE SOME HIGHER-UP OFFICIAL IN ALBANY WAS INVESTIGATING AND WANTED TO KNOW ABOUT MY GRIEVANCE'S WRITTEN ON MARTINSCILLO, SHANLEY, HOFFMAN AND THE SEXUAL ABUSE COMPLAINTS ON DANKE. I DISCUSSED EVERYTHING WITH TARRUSO LETTING HIM KNOW EVERYTHING FROM FEB. 26, 2016 TO THE DATE OF OUR CONVERSATION JULY 7, 2016.



46) IARRUSSO TOLD ME MAYBE IF I STOP FILING GRIEVANCES THEN MAYBE ALL OF THIS WOULD GO AWAY. I TOLD IARRUSSO THAT I HAD A CONSTITUTIONAL RIGHT TO REDRESS THE GOVERNMENT AND SHOULD HAVE TO BE SUBJECTED TO RETALIATION BECAUSE OF IT. IARRUSSO LAUGHED AND RESPONDED "YOU MUST NOT KNOW HOW COXSACKIE RUN'S. I ASK IARRUSSO, WHY IS IT THAT THE ACTING COMMISSIONER MR. ANNUNCI AND MRS. HARRISON-ROSS, MD, CHAIR OF N.Y.S. COMMISSION OF CORRECTION ALREADY HAVE AND RESPONDED TO MY COMPLAINTS AND C.C. FILE GRIEVANCES BUT HE DIDN'T GET. IARRUSSO JUST SHRUGGED HIS SHOULDER'S AND SAID "DON'T WORRY WE'LL TAKE CARE OF IT."

47) LATER THAT DAY ABOUT 30 MINUTES OR MORE ON Sunday 7<sup>th</sup> 2016, ~~ROBERT~~ C.O. HOFFMAN BANGED ON MY CELL-DOOR AND SAID "MAYBE I JUST SEEN THE CAPTAIN ABOUT YOUR GRIEVANCE, YOU WON'T FUCKING QUIT COMPLAINING RIGHT? WE'LL THE MISBEHAVIOR REPORT DON'T EXIST, REFERRING TO THE FALSE MISBEHAVIOR REPORT HE WROTE ME ON MAY 15 2016. C.O. HOFFMAN CONTINUE TO HARRASS ME FOR ABOUT 5 MINUTES THEN SAID OH-YEAH THANKS SAID HI! THEN HE LEAVE MY CELL."

48) ON Sunday 12<sup>th</sup> 2016, ~~ROBERT~~ I WAS PLACED ON ANOTHER CALL-OUT TO THE INMATE GRIEVANCE PROGRAM FOR A GRIEVANCE CONCERNING S.H.W. MAIL-PICK-UP. THIS GRIEVANCE HEARING WAS CONDUCTED BY ACTING SUPERVISOR IARRUSSO, SERGEANT MWIR AND THREE GRIEVANT REPRESENTATIVES. BEFORE THIS HEARING COMMENCE, I ASK FOR PERMISSION TO ADDRESS



AND INQUIRE ABOUT MY GRIEVANCES ON Supt. MARINSCHELLO AND D.S.S. SHANEY THAT HAVE NOT YET BEEN FILED BUT WRITTEN OVER A MONTH AGO.

49) IARRWSSO WAS THE ONLY PERSON TO RESPOND AND DID SO BY STATING IN A ~~VERY~~ ANGRY AND BELLIGERENT TONE "I DON'T CARE ABOUT YOUR GRIEVANCE, "YES" I THREW THEM AWAY, AND AS FAR AS I'M CONCERNED ANY GRIEVANCES ABOUT THE SUPERINTENDANT I WOULD NEVER PERSONALLY FILE ANYWAY."

50) IARRWSSO STATED THIS CLAIM, THAT HE THREW MY GRIEVANCE AWAY IN FRONT OF THE WHOLE I.G.R.C MEMBER'S AND SERGEANT. I ATTEMPTED TO LET IARRWSSO KNOW THAT HIS ACTIONS WAS IN VIOLATION OF D.O.C.C.'S DIR# 4040 AND AGAINST MY CONSTITUTIONAL FIRST AND FOURTEEN AMENDMENT RIGHTS AND HIS ACTION ARE ONLY CONTINUING A RETALIATORY PRACTICE FOR MY GRIEVANCES WRITTEN ON COXSACKIE ADMINISTRATION AND CORRECTION OFFICER'S THAT HE WAS INFORMED BY ALBANY TO FILE MY GRIEVANCES AND YET HE REFUSE TO DO SO WITH PREJUDICE.

51) ON THE 13<sup>TH</sup> OF JULY 2016, I FILED A FORMAL COMPLAINT ADDRESSED TO KAREN BELLAMY INMATE GRIEVANCE PROGRAM, DIRECTOR REQUESTING A FULL INVESTIGATION INTO MY CLAIMS OF IARRWSSO MISCONDUCT AND RETALIATION (SEE ATTACHED EXHIBIT H)

52) ON THE 18<sup>TH</sup> OF JULY, I FILED A FORMAL COMPLAINT WITH THE COXSACKIE C.F. GRIEVANCE DEPT, DESCRIBING IARRWSSO MISCONDUCT AND RETALIATION, REQUESTING A FULL INVESTIGATION AND THAT ALL PARTIES THERE TO SUBMIT WRITTEN STATEMENTS AS TO VERACITY OF MY CLAIMS. GRIEVANCE # CX-19053-061



53) ON THE 30<sup>TH</sup> OF July, 2016, I WAS RETURNING FROM A VISIT WITH MY WIFE. I WAS BEING ESCORTED BACK TO MY HOUSING UNIT F-3 DIVISION UNDER KEEP-LOCK STATUS FOR ANOTHER TRUMP-UP MISBEHAVIOR REPORT THAT I DIDN'T GET NO DISCIPLINARY HEAR<sup>ING</sup> FOR AGAIN BUT FOR RETALIATION (GRIEVANCE #X-19095-016) SEE ATTACHED EXHIBIT I )

54) I KNOCKED ON THE DOOR OF F-3 WHEN C.O MEIER OPENED UP THE DOOR WITH A DEROGATORY STATEMENT, CALLING ME A FAGGOT.

55) I WAS TOLD TO ENTER THE BLOCK AND TAKE IT TO MY CELL. I STARTED TO WALK DOWN THE CORRIDOR WITH MY HANDS IN MY POCKET, WHEN LESS THEN 20 STEP'S, I WAS BEAR HUGGED FROM THE BACK, LOCKING MY ARMS TO THE SIDE OF MY WAIST, LIFTED IN THE AIR AND SLAMMED ON MY FACE BY MEIER.

56) I WAS SENT UNCONSCIOUS AND DAZE LAYING IN EXTREME PAIN, MEIER JUMPED ON MY BACK AND REPEATEDLY PUNCHED ME WITH CLOSE FIST TO MY BACK, HEAD, SIDE OF FACE AND NECK AREA.

57) C.O LANGTRY RAN DOWN AND STARTED TO STOMP ON MY HEAD REPEATEDLY, WHEN THE RESPONSE TEAM, C.O BRUCE, C.O COON AND UNKNOWN OFFICER'S ARRIVED, I WAS BEING BEATING AND STOMP AND ALL CO'S CONTINUE NOW TO KICK ME, STOMP ME AND PUNCH ME ALL OVER MY BODY AS I LAYED HAND-CUFFED AND DEFENSIVELESS ON THE FLOOR.



58) C.O. MEIER CONTINUED TO ASSAULT ME BY TWISTING MY WRIST WHILE IN HAND-CUFFS STATING "I SHOULD FUCKING BREAK THIS SHIT" AFTER WHAT SEEM LIKE FOREVER LAYING THERE GETTING BEAT-UP, I WAS LIFTED IN THE AIR BY THE HAND-CUFFS STILL RESTRAINED BEHIND MY BACK AND THROWN BODY AND FACE FIRST INTO THE WALL, MY BODY AND FACE VIOLENTLY BOUNCED OFF THE CONCRETE WALL AND MEIER GRABBED ~~my~~ THE BACK OF MY HEAD TIGHTLY HOLDING MY BEARD-LOCKS AND SHAMMED MY FACE INTO THE CONCRETE WALL SCREAMING "STAY THE FUCK ON THE WALL".

59) I WAS DAMN-NEAR KNOCKED-OUT, AND FELT MY FACE SPLIT AND BLOOD RUSH DOWN MY FACE INTO MY EYES, MOUTH AND DOWN MY NECK AND CLOTHS. I WAS CONTINUOUSLY ASSAULTED BY C.O. LANBTRY, C.O. COON, C.O. BENCE AND UNKNOWN RESPONSE TEAM C.O.'S WITH KNEES POUNDED INTO MY LEGS, AND THIGHS, WITH SHORT AND HARD PUNCHES TO MY ARMS, BACK AND RIBS.

60) I WAS THEN ESCORTED TO THE FACILITY MEDICAL UNIT WHERE I WAS RUSH TO THE OUTSIDE AIRBORNE MEDICAL HOSPITAL FOR STITCHES TO MY RIGHT EYE, BLURRED VISION, LOSS OF CONSCIOUSNESS AND EXTREME PAIN TO MY LOWER BACK. (SEE ATTACHED EXHIBIT 5)

GRIEVANCE # CX-19094-16

### III) INJURIES:

I HAVE SUFFERED EXTREME PAIN TO MY ~~lower~~ LOWER BACK WHICH NEED SURGERY. STITCHES TO MY RIGHT EYE, DAMAGE TO MY RIGHT EYE WITH BLURRED VISION AND IN ~~low~~ BLACKNESS.



## IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

DID YOU FILE A GRIEVANCE IN THE FACILITY WHERE YOUR CLAIMS OCCUR? YES ✓

WHERE DID YOU FILE THE GRIEVANCE?  
COXSACKIE CORR. FAC.

I APPEAL TO SUPERINTENDANT THEN TO C.O.R.C.

## V. ~~PREVIOUS~~ PREVIOUS LAWSUITS

A) HAVE YOU EVER FILED ANY OTHER LAWSUITS IN ANY STATE AND FEDERAL COURT RELATING TO YOUR IMPRISONMENT?

✓ YES NO —

PLAINTIFF TAMER HAYES

DEFENDANT STATE OF NEW YORK

B) COURT (IF FEDERAL COURT, NAME DISTRICT, IF STATE NAME COUNTY)

CHUMBER

C) DOCKET NUMBER DON'T RECALL

D) NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: DON'T RECALL

E) DISPOSITION (DISMISSED? ON APPEAL? CURRENTLY PENDING?) DISMISSED

F) DATE OF FILING PRIOR LAWSUIT: JUNE 2008

G) DATE OF DISPOSITION: OCT. 2013



## VI: CAUSE OF ACTIONS

### FIRST CAUSE OF ACTION:

EXCESSIVE FORCE AND SEXUAL ABUSE IN VIOLATION OF PLAINTIFF, EIGHTH AMENDMENT RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT AND SEXUAL ABUSE.

### SECOND CAUSE OF ACTION:

RETALIATION IN VIOLATIONS OF PLAINTIFF FIRST AMENDMENT RIGHT TO SEEK REDRESS WITHOUT RETALIATION FOR DOING SO.

### THIRD CAUSE OF ACTION:

DENIED ACCESS TO COURTS IN VIOLATIONS OF PLAINTIFF FIRST, SIXTH, AND FOURTEENTH AMENDMENT ~~RIGHTS~~ RIGHTS.

## VII: Prayer for Relief

WHEREFORE, PLAINTIFF REQUESTS THAT THIS COURT GRANT THE FOLLOWING RELIEF: COMPENSATORY DAMAGES IN THE AMOUNT OF \$3,000,000 THREE MILLION DOLLARS AND PUNITIVE DAMAGES IN THE AMOUNT OF \$20,000 TWENTY THOUSAND DOLLARS FROM EACH DEFENDANT AND FOR AUDIO AND VISUAL SURVEILLANCE (BODY CAMERAS) ON AND THROUGH OWN COSSACKIE CORR FAC TO STOP CUSTOMARY ABUSE.



I DECLARE UNDER PENALTY THAT THE  
FORE GOING IS TRUE AND CORRECT.

DATED: DECEMBER 21, 2016

C.C. FILE TAHEEN HAYES # 05A3850  
CHENTON CORR. FAC  
P.O. BOX 2000  
DANNEKORA, NY 12929

Respectfully Submitted  
Taher Hayes, pro se  
SIGNATURE OF PLAINTIFF